

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**DWAIN D. WILLIAMS**

**Case No. 7:09-CR-8 (WLS)**

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**MOTION IN LIMINE**

COMES NOW the Defendant, Dwain Williams, by and through undersigned counsel, and requests the Court to exclude evidence and testimony elicited by the Government concerning irrelevant and prejudicial extraneous issues concerning events other than those charged in the indictment, pursuant to Rule 401 and 403 of the Federal Rules of Evidence.

The Defense expects the Government to present evidence at trial of alleged suicide attempt by the complaining witness. Several witness statements refer to an alleged suicide attempt shortly before the disclosure by the complaining witness of the facts leading to this indictment. The offense dates alleged in the indictment are from on or about July 2004 until June 25, 2007. The alleged suicide attempt occurred on or about May 16, 2009. This testimony and evidence is extremely prejudicial and irrelevant to the allegations charged in the indictment. The defendant asks that the Government be prohibited from eliciting testimony regarding this incidents.

Pursuant to Rule 403 of the Federal Rules of Evidence, relevant evidence maybe excluded “if its probative value is *substantially* outweighed by the danger of unfair prejudice. . .” Even if the Court were to find that the proposed testimony and evidence of this event is relevant and does contain probative value, although the Defense does not concede this point, the Defense

maintains that the allowing the admissibility of this evidence and testimony will unduly prejudice the Defendant and prevent him from receiving a fair trial. The testimony and evidence of an alleged suicide attempt is inflammatory nature, and would distract the jury from the facts surrounding the allegations in the indictment.

Therefore, the Defendant respectfully requests that the Court issue a ruling limiting the Government from presenting any evidence or testimony concerning allegations and events not charged in the indictment.

Respectfully submitted this the 14<sup>th</sup> day of July, 2010.

Cynthia W. Roseberry - Executive Director  
Federal Defender Program - Middle District of Georgia

By:  
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**CERTIFICATE OF SERVICE**

I, D. Nicole Williams, hereby certify that on July 14, 2009, I electronically filed the foregoing *Motion In Limine* with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record.

Respectfully submitted,

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